

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**JOANNE CARTER,**

**Respondent,**

**v.**

**TREASURER OF THE STATE OF MISSOURI AS CUSTODIAN OF THE SECOND  
INJURY FUND,**

**Appellant.**

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**DOCKET NUMBER WD79437**

**Date: October 25, 2016**

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Appeal from:  
Henry County Circuit Court  
The Honorable James K. Journey, Judge

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Appellate Judges:  
Division Two: Lisa White Hardwick, Presiding Judge, Karen King Mitchell and Anthony  
Rex Gabbert, Judges

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Attorneys:  
Truman E. Allen and B. Nelson, Columbia for respondent.  
Cara L. Harris, Springfield, for appellant.

# **MISSOURI APPELLATE COURT OPINION SUMMARY**

## **COURT OF APPEALS -- WESTERN DISTRICT**

**JOANNE CARTER**

**Respondent,**

**v.**

**TREASURER OF THE STATE OF MISSOURI AS CUSTODIAN OF THE SECOND  
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Before Division Two: Lisa White Hardwick, Presiding Judge, Karen King Mitchell and  
Anthony Rex Gabbert, Judges

Missouri State Treasurer, as Custodian of the Second Injury Fund ("Fund"), appeals the circuit court's judgment granting Joanne Carter's motion to enforce her deceased husband's workers' compensation award by ordering the Fund to pay his permanent total disability benefits to her. The Fund contends the court had no authority to make findings not originally made in the workers' compensation award and to award benefits that were not originally awarded.

**REVERSED.**

Division Two holds:

The circuit court erred in ordering the Fund to pay Carter's deceased husband's permanent total disability benefits to her because, in doing so, the court determined outstanding factual issues not found in the award and drew legal conclusions from those

factual findings. Section 287.500, RSMo 2000, did not provide the circuit court with the authority to take such actions.

Opinion by: Lisa White Hardwick, Judge

**October 25, 2016**

**THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.**